IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1720 OF 2002

IN

SUIT NO. 2702 OF 2001

Videocon Housing Finance Corpn.Ltd. .. Plaintiff

versus

Ravindra S. Gaurav & ors. .. Defendants

...

Mr.S.P. Rao i.b M/s.Ram & Co. for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 28th January 2005.

P.C.:

1. Heard the learned counsel for the plaintiff.

2. This motion is taken out by the plaintiff in a mortgage suit for appointment of a receiver of the mortgage property and for injunction restraining the defendant from selling the suit property. The averments made in the affidavit in support of the

motion are vague & scanty. No source of information is disclosed in the affidavit. The plaintiff has not shown that the plaintiff has a present right to dispossess the defendant which is a condition for appointment of a receiver. Similarly, no details have been pleaded to show that the defendant is trying to sell and/or dispose of the property. The sum due is a partly sum of Rs.65,000/-.

3. The plaintiff is sufficiently protected by a mortgage and no additional protection is necessary in the facts and circumstances of the case. Hence, motion is dismissed.

D.G. KARNIK, J